

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN MICHALEK

Plaintiff,

Case No. 05-72195

v.

Hon. Nancy G. Edmunds

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION MOTION [11], GRANTING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT [7], AND DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT [10]**

This matter comes before the Court on the Magistrate Judge's May 19, 2006 Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings de novo, including Defendant's Objections, the Court finds that the Magistrate reached the correct conclusion in the Report and Recommendation. Accordingly, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is further ordered that Plaintiff's Motion for Summary Judgment [7] is GRANTED, Defendant's Motion for Summary Judgment [10] is DENIED, and the decision of the Secretary is REVERSED. Pursuant to sentence four of 42 U.S.C. § 405(g), this matter is hereby REMANDED to the Secretary of Health and Human Services for an award of SSI benefits due.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 24, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 24, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager